

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
CAROTEK, INC.,

Plaintiff/Counter-defendant

-against-

KOBAYASHI VENTURES, LLC,

Defendant/Counter-plaintiff.
-----X

Civil Action No. 07 Civ. 11163 (NRB)

**DEFENDANT/COUNTER-
PLAINTIFF'S NOTICE OF
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

**DEFENDANT/COUNTER-PLAINTIFF'S NOTICE OF
MOTION FOR PARTIAL SUMMARY JUDGMENT**

COUNSEL:

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated September 3, 2008; the proposed Order; and all pleadings and proceedings heretofore had herein, Defendant/Counter-plaintiff, Kobayashi Ventures, LLC ("Kobayashi"), by its attorneys, Jeffrey M. Schwaber, Alexia Kent Bourgerie, and Stein, Sperling, Bennett, De Jong, Driscoll & Greenfeig, P.C., will move this Court, before the Honorable Naomi R. Buchwald, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time set by the Court, pursuant to Federal Rule of Civil Procedure 56, for an order allowing Counter-plaintiff to obtain partial summary judgment in this matter.

Dated: September 3, 2008

STEIN, SPERLING, BENNETT,
DE JONG, DRISCOLL &
GREENFEIG, P.C.

ATTORNEYS AT LAW
25 WEST MIDDLE LANE
ROCKVILLE, MARYLAND 20850

TELEPHONE 301/340-2020

STEIN, SPERLING, BENNETT, DE JONG,
DRISCOLL & GREENFEIG, P.C.

By: _____/s/

Jeffrey M. Schwaber (NY Bar #4529699)
Alexia Kent Bourgerie
Attorneys for Defendant/Counter-plaintiff
Kobayashi Ventures, LLC
Stein, Sperling, Bennett, De Jong, Driscoll & Greenfeig, P.C.
25 West Middle Lane
Rockville, Maryland 20850
Telephone: (301) 838-3210 (Jeffrey Schwaber)
Facsimile: (301) 354-8110 (Jeffrey Schwaber)
Email: jschwaber@steinsperling.com
Telephone: (301) 838-3232 (Alexia Kent Bourgerie)
Facsimile: (301) 354-8132 (Alexia Kent Bourgerie)
Email: abourgerie@steinsperling.com

STEIN, SPERLING, BENNETT,
DE JONG, DRISCOLL &
GREENFEIG, P.C.

ATTORNEYS AT LAW
25 WEST MIDDLE LANE
ROCKVILLE, MARYLAND 20850

TELEPHONE 301/340-2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of September, 2008, I will electronically file the foregoing with the Clerk of the Court using the ECF system, which will then send a notification of such filing (NEF) to the following:

Raymond R. Castello
Fish & Richardson P.C.
153 East 53rd Street, 52nd Floor
New York, NY 10022

Gregory A. Madera
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110

W. Thad Adams, III
Adams Intellectual Property Law, P.A.
201 South College Street
Suite 2350 Charlotte Plaza
Charlotte, NC 28244

And I hereby certify that I will mail the document by U.S. mail to the following non-filing user(s):

John Garretson
Fish & Richardson P.C.
153 East 53rd Street, 52nd Floor
New York, NY 10022

By: /s/
Jeffrey M. Schwaber (NY Bar #4529699)
Alexia Kent Bourgerie, *pro hac admission*
Attorneys for Defendant/Counter-plaintiff
Kobayashi Ventures, LLC
Stein, Sperling, Bennett, De Jong, Driscoll & Greenfeig, P.C.
25 West Middle Lane
Rockville, Maryland 20850
Telephone: (301) 838-3210 (Jeffrey Schwaber)
Facsimile: (301) 354-8110 (Jeffrey Schwaber)
Email: jschwaber@steinsperling.com
Telephone: (301) 838-3232 (Alexia Kent Bourgerie)
Facsimile: (301) 354-8132 (Alexia Kent Bourgerie)
Email: abourgerie@steinsperling.com

STEIN, SPERLING, BENNETT,
DE JONG, DRISCOLL &
GREENFEIG, P.C.

ATTORNEYS AT LAW
25 WEST MIDDLE LANE
ROCKVILLE, MARYLAND 20850

TELEPHONE 301/340-2020

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